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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,450	08/07/2000	Michael A. Brundridge	16356.543 (DC-02404)	3460

27683          7590          05/16/2003

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DALLAS, TX 75202

EXAMINER.

LE, DIEU MINH T

ART UNIT	PAPER NUMBER
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2184

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DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/633,450

Applicant(s)

BRUNDRIDGE ET AL.

Examiner

Dieu-Minh Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**Part III DETAILED ACTION**

**Specification**

1. Claims 1-21 are presented for examination.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that

was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable Crouse et al. (US Patent 5,634,022 hereafter referred to as Crouse) in view of Wookey (US Patent 6,151,683).

As per claim 1:

Crouse substantially teaches the invention. Crouse explicitly teaches:

- a method comprising steps:
- detecting information [abstract, fig. 4, col. 6, lines 43 through col. 7, line 10];
- detecting diagnostic information [abstract, col. 1 lines 10-16];
- plurality of diagnostic routines selected for execution according to diagnostic information [abstract, fig. 4, col. 2, lines 45-65 and col. 4, lines 16-30];

Crouse does not explicitly teach:

- machine information.

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However, Crouse does disclose capability of:

- a multi-media computer diagnostic system [abstract, fig. 4, col. 9, lines 53-56] comprising capability of:
- diagnostic instruction (i.e., program routines) used for diagnostic system [col. 2, lines 45-55 and col. 4, lines 31-45];
- digital signal processor on the host processor (i.e., a computer operating system used to run DSP, etc..) [col. 4, lines 4-30];
- host processor and resource allocation (i.e., machine information) used to diagnostic the computer system [fig. 11, col. 4, lines 3-15];

In addition, Wookey explicitly teaches:

- a diagnostic computer system [abstract, fig. 1a-1b, col. 1, lines 15-20];

comprising:

- computer machine information (i.e., operating system information, DNS information, cache information, etc...) [fig. 7B, col. 6, line 28-32];
- a diagnostic information used for diagnostic the computer system [abstract, col. 2, lines 22-41].

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to implement, first, to realize the Crouse's multi-media computer diagnostic system comprising capability of diagnostic instruction (i.e., program routines) used for diagnostic system and more specifically **digital signal processor on the host processor and host processor and resource allocation (i.e., machine information) used to diagnostic the computer system** as being the machine information as claimed by Applicant. This is because the Crouse does use the computer operating system to function and operate the entire computer applications, such as diagnostic program or debugging program to check, test, validate the computer system; second, one would modifies Crouse's multi-media computer diagnostic system to explicitly including **computer machine information (i.e., operating system information, DNS information, cache information, etc...) as taught by Wookey's diagnostic computer system** in ordering to supporting the computer data diagnostic system for network availability, performance throughput, and error free processing within the computer environment therein.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the connectivity among data processor, debugging

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or diagnostic computer program, memory, networking communication devices, displaying, peripherals of a computer system with mechanism to enhance data performance in the computer data processing, more specifically to a diagnostic computer system.

As per claims 2-4:

Crouse substantially teaches the invention. Crouse explicitly teaches:

- a method comprising steps:
- displaying an indicator corresponding to diagnostic routines [col. 2, lines 60-65];
- a graphical representation of a component corresponding to the diagnostic routines [col. 2, lines 60-65 and col. 4, lines 16-65];
- selecting the indicator [col. 5, lines 47-55];
- plurality of diagnostic routines selected for execution according to diagnostic information [abstract, fig. 4, col. 2, lines 45-65 and col. 4, lines 16-30];

In addition, Wookey explicitly teaches:

- a diagnostic computer system [abstract, fig. 1a-1b, col. 1, lines 15-20];

comprising:

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- a computer diagnostic representation used for data monitoring and displaying [fig. 1A-B, col. 2, line 43-55];
- a diagnostic information used for diagnostic the computer system [abstract, col. 2, lines 22-41].

As per claims 5-6:

Crouse substantially teaches the invention. Crouse explicitly teaches:

- a method comprising steps:
- diagnostic information [abstract, col. 1 lines 10-16]
- plurality of diagnostic routines selected for execution according to diagnostic information [abstract, fig. 4, col. 2, lines 45-65 and col. 4, lines 16-30];

Crouse does not explicitly teach:

- machine type information.

However, Crouse does disclose capability of:

- a multi-media computer diagnostic system [abstract, fig. 4, col. 9, lines 53-56] comprising capability of:
- diagnostic instruction (i.e., program routines) used for diagnostic system [col. 2, lines 45-55 and col. 4, lines 31-45];



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- digital signal processor on the host processor (i.e., a computer operating system used to run DSP, etc..) [col. 4, lines 4-30];
- host processor and resource allocation (i.e., machine information) used to diagnostic the computer system [fig. 11, col. 4, lines 3-15].

In addition, Wookey explicitly teaches:

- a diagnostic computer system [abstract, fig. 1a-1b, col. 1, lines 15-20];

comprising:

- computer machine information (i.e., operating system information, DNS information, cache information, etc...) [fig. 7B, col. 6, line 28-32];
- a diagnostic information used for diagnostic the computer system [abstract, col. 2, lines 22-41].
- first, second computers including memory and CPUs, connected via network communication [fig. 1A-B, col. 3, lines 40-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to implement, first, to realize the Crouse's multi-media

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computer diagnostic system comprising capability of diagnostic instruction (i.e., program routines) used for diagnostic system and more specifically **digital signal processor on the host processor and host processor and resource allocation (i.e., machine information) used to diagnostic the computer system** and Wookey's diagnostic computer system comprising **computer machine information (i.e., operating system information, DNS information, cache information, etc...)** for the same reasons set forth as described in claim 1, **supra**.

As per claims 7-13:

Due to the similarity of claims 7-13 to claims 1-6 except for a computer system for diagnostic information within computer system capabilities (i.e., detecting machine information, detecting diagnostic information, executing information, etc...) instead of the method for diagnostic information steps (i.e., detecting machine information step, detecting diagnostic information step, executing information step, etc...); therefore, these claims are also rejected under the same rationale applied against claims 1-6. **In addition, all of the limitations have been noted in the rejection as per claims 1-6.**

As per claims 14-19:

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These claims are the same as per claims 1-6 and 7-13. The only minor different is that these claims are directed to a **computer program product** instead of the method for diagnostic information and the computer system for diagnostic information within computer system as described in claims 1-6 and 7-13, respectively. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to realized that a **computer program product** is a necessary item for such a computer system, more specifically, to information diagnostic routine via verifying, detecting, executing, displaying, diagnosing data within the system. Since the computer data processing system obviously needs a means for instruction or code means resided within the a **computer program product** for performing the data checking, storing, receiving, transmitting operation via the data memory, CPU capability. Therefore, these claims are also rejected under the same rationale applied against 1-6 and 7-13.

As per claims 20-21:

Due to the similarity of claims 20-21 to claims 7-12,13 except for a computer system comprising a second computer; however, Wookey explicitly teaches:

- a second computer [fig.1B, item 108];

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- a communications network [fig. 1B];  
the first computer and second computer being configured to communicate using the communications network[fig. 1A-B, col. 3, lines 40-67];
- the first computer being configured to detect second diagnostic information on the second computer and to receive the second diagnostic information [fig.1B, col.3, lines 55-67].

Therefore, these claims are also rejected under the same rationale applied against claims 7-12,13. **In addition, all of the limitations have been noted in the rejection as per claims 7-12,13 above.**

#### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703) 305-9408. The examiner can

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normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM.

The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703)746-7240.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications  
intended for entry)

**Or:**

(703) 746-7240 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington. VA., Sixth  
Floor (Receptionist).



**DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2184**

DML  
5/13/03